

NOT RECOMMENDED FOR PUBLICATION

No. 22-1741

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Mar 22, 2023

DEBORAH S. HUNT, Clerk

D.G. SWEIGERT,

Plaintiff-Appellant,

V.

MULTIMEDIA SYSTEM DESIGN, INC., dba
Crowdsource The Truth, et al.,

Defendants-Appellees.

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ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
MICHIGAN

O R D E R

Before: BATCHELDER, GIBBONS, and THAPAR, Circuit Judges.

In May 2022, D.G. Sweigert filed an amended complaint alleging violations of state and federal law. On July 26, 2022, the district court issued an order denying Sweigert's request for a telephonic appearance at a status conference. Sweigert then filed a notice of voluntary dismissal without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i), which the district court granted.

After the voluntary dismissal, Sweigert filed a notice of appeal of the July 26, 2022, order. But when a party obtains a voluntary dismissal, that party may not appeal. *See Burns v. Taurus Int’l Mfg., Inc.*, 826 F. App’x 496, 499 (6th Cir. 2020) (explaining that “a plaintiff cannot appeal a voluntary dismissal” (emphasis omitted)); *accord Ortega Trujillo v. Banco Central Del Ecuador*, 379 F.3d 1298, 1301 (11th Cir. 2004) (“Although a dismissal without prejudice can qualify as a

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final judgment, a plaintiff ‘cannot appeal therefrom, since it does not qualify as an involuntary adverse judgment so far as the plaintiff is concerned.’” (quoting *LeCompte v. Mr. Chip, Inc.*, 528 F.2d 601, 604 (5th Cir. 1976))).

Because Sweigert cannot appeal from his own voluntary dismissal, the appeal is **DISMISSED**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read 'Deborah S. Hunt', is written over a horizontal line.

Deborah S. Hunt, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 03/22/2023.

Case Name: D. Sweigert v. Multimedia System Design, Inc., et al

Case Number: 22-1741

Docket Text:

ORDER filed to DISMISS case for lack of jurisdiction: Non-appealable order. No mandate to issue, decision not for publication. Alice M. Batchelder, Circuit Judge; Julia Smith Gibbons, Circuit Judge and Amul R. Thapar, Circuit Judge.

The following documents(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

D. G. Sweigert
America's RV Mailbox
514 Americas Way
P.M.B. 13339
Box Elder, SD 57719

A copy of this notice will be issued to:

Ms. Kinikia D. Essix
Mr. Michael Edward Norman